

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 114

BOARD OF ARCHITECTS

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Sub-Chapter 1

Organizational Rule

24.114.101 BOARD ORGANIZATION (1) The board of architects hereby adopts and incorporates the organizational rules of the department of labor and industry as listed in chapter 1 of this title. (History: 2-4-201, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 173.)

Sub-Chapter 2

Procedural Rules

24.114.201 PROCEDURAL RULES (1) The board of architects hereby adopts and incorporates the procedural

rules of the department of labor and industry as listed in chapter 2 of this title. (History: 2-4-201, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 173.)

24.114.202 PUBLIC PARTICIPATION (1) The board of architects hereby adopts and incorporates by this reference the public participation rules of the department of commerce as listed in chapter 2 of this title. (History: 2-4-201, MCA; IMP, 2-4-201, MCA; NEW, 1990 MAR p. 583, Eff. 3/30/90; TRANS, from Commerce, 2002 MAR p. 173.)

### Sub-Chapter 3

#### Definitions

24.114.301 DEFINITIONS (1) "Responsible control" means the amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the required professional "standard of care."

(2) "Technical submissions" means the drawing, specifications, studies and other technical reports prepared in the course of practicing architecture. (History: 37-65-101, 37-65-102, 37-65-204, MCA; IMP, 37-65-204, MCA; NEW, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173.)

### Sub-Chapter 4

#### General Provisions

##### 24.114.401 FEE SCHEDULE

(1) Application fee for applicants	
registered in another state or jurisdiction	\$100
(2) Biennial renewal (if paid by July 31st)	110
(3) Late biennial renewal (if paid after July 31st)	170
(4) Original license fee, if licensed in an even year	80
(5) Original license fee, if licensed in an odd year	40
(6) Documents, duplicate license, rosters	27
(7) License verification fee	10
(8) All fees are non-refundable. (History: 37-1-134, 37-65-204, 37-65-307, MCA; <u>IMP</u> , 37-1-134, 37-65-201, 37-65-304, 37-65-306, 37-65-307, MCA; <u>NEW</u> , 1982 MAR p. 1476, Eff. 7/30/82; <u>AMD</u> , 1983 MAR p. 645, Eff. 6/17/83; <u>AMD</u> , 1984 MAR p. 499, Eff. 3/30/84; <u>AMD</u> , 1988 MAR p. 166, Eff. 1/29/88; <u>AMD</u> , 1990 MAR p. 583, Eff. 3/30/90; <u>AMD</u> , 1996 MAR p. 3210,	

Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2002 MAR p. 175, Eff. 2/1/02.)

24.114.402 INDIVIDUAL SEAL (1) Every licensed architect shall have a seal which must contain the name of the architect, the city and state of the architect's place of business, the architect's Montana license number and the words "LICENSED ARCHITECT, STATE OF MONTANA".

(2) All technical submissions prepared by an architect shall be stamped and signed with the architect's seal or the seal of the firm. The permit set must bear the architect's original signature. (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-308, MCA; Eff. 12/31/72; AMD, 1977 MAR p. 103, Eff. 9/23/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1987 MAR p. 253, Eff. 3/13/87; AMD, 1995 MAR p. 352, Eff. 3/17/95; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173.)

24.114.403 BUSINESS ENTITY PRACTICE (1) When there is a partnership or other business entity of architects, the individual names and license numbers may appear on one seal.

(2) Nothing shall prevent a partnership (including a registered limited liability partnership), limited liability company or corporation (including a professional corporation) from performing or holding itself out as able to perform any of the services involved in the practice of architecture; provided, that two-thirds of the general partners (if a partnership), two-thirds of the managers (if a limited liability company), or two-thirds of the directors (if a corporation) are registered under the laws of any United States jurisdiction or any foreign jurisdiction approved by the board as architects or engineers and that one-third of the general partners, managers or directors are registered as architects in Montana. (History: 37-65-101, 37-65-102, 37-65-204, MCA; IMP, 37-1-303, 37-65-101, 37-65-204, MCA; NEW, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173.)

24.114.404 ARCHITECT PARTNERSHIPS TO FILE STATEMENT WITH BOARD OFFICE (1) All licensees who enter into partnerships, limited partnerships or profit corporations, sub-chapter S corporations or any other form of business entity in which their professional talent and service are utilized, must file with the board office a statement of the existence of the business entity and of their relationship to it. (History: 37-1-131, 37-65-204, MCA; IMP, 35-4-209, 37-65-302, MCA; NEW, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173.)

24.114.405 QUALIFICATIONS REQUIRED FOR MONTANA BRANCH OFFICE (1) No firm, corporation, partnership or individual may establish or maintain within this state, a branch office to engage in the practice of architecture unless such branch office is under the responsible control and direction of a Montana licensed resident architect who is in the branch office a majority of the time the office is open. (History: 37-1-131, 37-65-204, MCA; IMP, 37-65-303, 37-65-305, MCA; Eff. 12/31/72; AMD, Eff. 7/5/74; AMD, 1980 MAR p. 1720, Eff. 6/27/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173.)

24.114.406 SOLICITATION OF BUSINESS BY ARCHITECTS FROM OTHER STATES (1) A nonresident architect who holds a current, unexpired, unrestricted license to practice architecture issued by the state in which the architect's principal offices are located and who holds a current NCARB certificate, may, upon furnishing the board with verification of licensure from the other state licensing authority, and verification of NCARB certification, offer architectural services in this state, but may accept no commission or otherwise engage in the practice of architecture within this state until licensed by the board. (History: 37-1-319, 37-65-204, MCA; IMP, 37-1-305, MCA; NEW, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173.)

24.114.407 EMERGENCY USE OF ARCHITECTS (1) Nothing shall prevent a person who is not currently registered in this state and is currently registered in another United States or Canadian jurisdiction, from providing uncompensated (other than reimbursement of expenses) professional services at the scene of an emergency at the request of a public officer, public safety officer, or municipal or county building inspector, acting in an official capacity. "Emergency" shall mean earthquake, eruption, flood, storm, hurricane, or other catastrophe that has been designated as a major disaster or emergency by the president of the United States or governor or other duly authorized official of the state. (History: 37-65-101, 37-65-102, 37-65-204, MCA; IMP, 37-65-101, 37-65-204, MCA; NEW, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173.)

## Sub-Chapter 5

### Licensing

24.114.501 EXAMINATION (1) Licensure may be granted to an applicant who has successfully passed the architectural registration examination (ARE). To be

admitted to the national architectural examination, an applicant shall have completed the education and training requirements and have obtained a council record.

(2) All eligibility requirements shall have been verified by the council record and have been satisfied in accordance with the NCARB handbook for interns and architects. The handbook is available through the National Council of Architectural Registration Boards, 1801 K Street NW, Suite 1100, Washington, DC 20006-1310 or the Montana board of architects and is adopted and incorporated herein by reference.

(3) The applicant shall satisfy one of the following educational requirements:

(a) hold a degree in architecture from a school of architecture, the degree curriculum of which was accredited by the national architectural accrediting board (NAAB) not later than two years after graduation; or

(b) meet the alternate education criteria outlined in the NCARB education standards. The handbook is available through the National Council of Architectural Registration Boards, 1801 K Street NW, Suite 1100, Washington, DC 20006-1310, or the Montana board of architects.

(4) The exam candidate must successfully pass all sections of the national architectural registration examination and request submittal to the board of all exam scores for every section of the national exam taken.

(5) All applicants who are registered in another state and who meet all the requirements of ARM 24.113.503 except the seismic force exam may take only that exam, and must achieve a passing score to satisfy licensure requirements.

(6) Examination records, pursuant to the requirements of this chapter, shall be confidential and shall not be considered public records. Nothing herein shall prevent the board from reporting applicants' scores to architectural registration boards in other jurisdictions or to NCARB.

(7) An applicant failing to pass the examination is entitled to re-examination on divisions of the examination that the applicant failed to pass. (History: 37-1-131, 37-65-204, 37-65-303, MCA; IMP, 37-65-303, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 2662, Eff. 9/26/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 789, Eff. 5/16/86; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 1992 MAR p. 1468, Eff. 7/17/92; AMD, 1995 MAR p. 352, Eff. 3/17/95; AMD, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2002 MAR p. 175, Eff. 2/1/02; AMD, 2002 MAR p. 3046, Eff. 11/1/02.)

#### 24.114.502 LICENSURE OF APPLICANTS BY EXAMINATION (1)

An applicant may apply for licensure by examination by taking and passing the national architectural registration examination.

(2) The applicant will submit an application on board approved forms to the board office for consideration of licensure.

(3) The applicant must verify the passage of all sections of the national architectural registration examination by submitting the examination scores from the applicant's designated state.

(4) The applicant must meet all the requirements set forth in ARM 24.114.501(1) through (4), (6) and (7).

(5) The applicant shall pay the appropriate licensure fee. (History: 37-65-204, 37-65-303, MCA; IMP, 37-65-301, 37-65-303, MCA; NEW, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173.)

24.114.503 LICENSURE OF APPLICANTS WHO ARE REGISTERED IN ANOTHER STATE (1) An applicant who holds a valid license to practice architecture in another state or jurisdiction, and who is seeking licensure to practice architecture in Montana shall present proof the applicant is the holder of a certificate issued by the national council of architectural registration boards (NCARB). All such applications shall be sent to the NCARB office for processing.

(a) The address of the office of the NCARB is NCARB, 1801 K Street NW, Suite 1100, Washington, DC 20006-1310. (History: 37-1-131, 37-65-204, MCA; IMP, 37-1-304, MCA; Eff. 12/31/72; AMD, Eff. 10/5/74; AMD, 1979 MAR p. 1391, Eff. 11/16/79; AMD, 1980 MAR p. 1720, Eff. 6/27/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1476, Eff. 7/30/82; AMD, 1987 MAR p. 253, Eff. 3/13/87; AMD, 1994 MAR p. 1577, Eff. 6/10/94; AMD, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2002 MAR p. 175, Eff. 2/1/02; AMD, 2002 MAR p. 3046, Eff. 11/1/02.)

Rules 24.114.504 through 24.114.509 reserved

24.114.510 USE OF TITLE (1) Persons who are not licensed under Title 37, chapter 65, MCA, may use certain titles in representing themselves to the public, as long as the titles clearly delineate the nature and level of training. Such persons may use the title "architect-in-training," provided that such persons perform their activities under the direct supervision and responsibility of a licensed architect.

(a) the architect-in-training must have obtained the proper degree, and be actively pursuing training toward licensure; and

(b) the architect-in-training must cease use of the title if he/she ceases activities or work in pursuit of licensure.

(2) Principals of firms employing architects-in-training may use the title "architect-in-training" as they

deem appropriate when making presentations, or in promotional materials, etc. (History: 37-65-204, MCA; IMP, 37-65-301, MCA; NEW, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173.)

Sub-Chapters 6 through 20 reserved

## Sub-Chapter 21

### Renewals

24.114.2101 RENEWALS (1) Biennial renewals shall be issued by the board, upon receipt of biennial renewal fee. Notice of biennial renewal shall be mailed to each licensed architect in advance of the renewal date. The notice shall be returned with the renewal fee or late renewal fee to the board office.

(2) The renewal fee shall be due on the date set forth in ARM 8.2.208. However, a one-month grace period thereafter is provided by statute. A late renewal fee will be imposed upon any license which has not been renewed by July 31. Both a renewal fee and late renewal fee will be imposed for each year a license is lapsed.

(3) A license that has lapsed for three successive years automatically terminates and may not be reinstated, and a new license must be obtained, and appropriate fees must be paid. (History: 37-1-131, 37-65-204, MCA; IMP, 37-1-131, 37-65-306, MCA; Eff. 12/31/72; AMD, 1977 MAR p. 104, Eff. 9/23/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1476, Eff. 7/30/82; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173; AMD, 2002 MAR p. 175, Eff. 2/1/02.)

Sub-Chapter 22 reserved

## Sub-Chapter 23

### Unprofessional Conduct

24.114.2301 UNPROFESSIONAL CONDUCT (1) Violation of any of these standards by a licensee constitutes unprofessional conduct and is grounds for disciplinary action:

(a) being incompetent or negligent, or using any practice or procedure in the practice of the profession which creates an unreasonable risk of physical harm or serious financial loss to the client or to the public;

(b) practicing beyond the scope of knowledge and expertise of the licensee as defined by law;

(c) failing to supervise the work of another whereby the supervisor has both responsible control over and detailed professional knowledge of the work prepared under the supervisor's supervision;

(d) accepting compensation for architectural services from more than one party on a project, unless the circumstances are fully disclosed to, and agreed to (such disclosure and agreement to be in writing) by, all interested parties;

(e) soliciting or accepting compensation from material or equipment suppliers in return for specifying or endorsing their products;

(f) misrepresenting to a prospective or existing client or employer the licensee's qualifications and the scope of architectural responsibility in connection with work for which the architect is claiming credit or being compensated;

(g) offering or making any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested;

(h) making public statements on architectural questions, without disclosing that the architect is being compensated for making such statements;

(i) knowingly injuring or attempting to injure, falsely or maliciously, directly or indirectly, the professional reputation, prospects or practice of another licensed architect;

(j) representing the work of others as the architect's own;

(k) using or altering material prepared by another person without the knowledge and consent of that person;

(l) performing professional services which have not in general been authorized by the client or the client's legal representative;

(m) willfully making or filing false reports or records.

(History: 37-1-131, 37-1-319, 37-65-204, MCA; IMP, 37-1-316, MCA; NEW, Eff. 7/5/74; AMD, 1978 MAR p. 1487, Eff. 10/27/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1987 MAR p. 253, Eff. 3/13/87; AMD, 1990 MAR p. 583, Eff. 3/30/90; AMD, 1995 MAR p. 352, Eff. 3/17/95; AMD, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; AMD, 2000 MAR p. 2298, Eff. 8/25/00; TRANS, from Commerce, 2002 MAR p. 173.)

## Sub-Chapter 24

### Unprofessional Conduct

24.114.2401 COMPLAINT PROCEDURE (1) A person, government or private entity may submit a written complaint to the board charging a licensee or license applicant with a violation of board statute or rules, and specifying the grounds for the complaint.

(2) Complaints must be in writing, and shall be filed on the proper complaint form prescribed by the board. Letters of complaint which are clearly identified as complaints may also be accepted by the board.

(3) Upon receipt of the written complaint form, the board office shall log in the complaint and assign it a complaint number. The complaint shall then be sent to the licensee complained about for a written response. Upon receipt of the licensee's written response, both complaint and response shall be considered by the screening panel of the board for appropriate action including dismissal, investigation or a finding of reasonable cause of violation of a statute or rule. The board office shall notify both complainant and licensee of the determination made by the screening panel.

(4) If a reasonable cause violation determination is made by the screening panel, the Montana Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken.

(5) The screening panel shall review anonymous complaints to determine whether appropriate investigative or disciplinary action may be pursued, or whether the matter may be dismissed for lack of sufficient information. (History: 37-65-204, MCA; IMP, 37-1-308, 37-1-309, MCA; NEW, 1996 MAR p. 3210, Eff. 12/20/96; TRANS, from Commerce, 2002 MAR p. 173.)

24.114.2402 SCREENING COMMITTEE (1) The board screening panel shall consist of three members of the board including the current president of the board, and two other board members, as chosen by the president. The president may reappoint screening panel members, or replace screening panel members as necessary at the president's discretion. (History: 37-65-204, MCA; IMP, 37-1-307, MCA; NEW, 1996 MAR p. 3210, Eff. 12/20/96; AMD, 1998 MAR p. 449, Eff. 2/13/98; TRANS, from Commerce, 2002 MAR p. 173.)